

SPEECH OF WILLIAM H. SEWARD.

IN SENATE OF THE UNITED STATES, JANUARY 10, 1853.

Mr. SEWARD. Mr. President, on the 19th of April, 1850, what is called the Nicaragua Canal Convention was signed at Washington by John M. Clayton, then Secretary of State for the United States, and Sir Henry Lytton Bulwer, then a minister here for Great Britain. As approved by the Senate and signed by the negotiators and transmitted to Great Britain, it contained, among others, the following provisions, viz:

"ART. I. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the *vicinity* thereof, or occupy, or fortify, or colonize, or assume, or exercise, any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing, Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence, that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other."

"ART. VI. The contracting parties in this convention engage to invite every State with which either or both have friendly intercourse, to enter into stipulations with them, similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the *Central American States* as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same.

"ART. VII. The Governments of the United States and Great Britain, having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general *principle*, they hereby agree to extend their protection, by treaty stipulations, to any *other practicable communications*, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established, by the way of Tehuantepec or Panama."—9 Stat. (U. S.) at Large, 995.

On the 29th of June, 1850, Sir Henry L. Bulwer gave notice to Mr. Clayton that he was instructed to insist in ratifying the convention on an explanatory declaration, that the engagements as to neutral territory did not apply to her Majesty's settlement at Honduras and its dependencies. On the 4th of July, 1850, John M. Clayton replied, that the United States also understood that those engagements did not apply to British Honduras and its dependencies, and with these mutual explanations the convention was ratified and the ratifications were exchanged.

The British settlement at Honduras and its dependencies consist of

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the town of Belize, on the coast of the Caribbean Sea, with a tract of almost barren and uninhabited country stretching inward, containing about fifty thousand square miles, and, as is alleged, of certain islands lying near by in that sea, named Ruatan, Bonacca, Utilia, Barbarat, Helena, and Morat, which territory and islands are marked, in all British maps, as colonies of Great Britain.

On the 17th of July, 1852, the British authorities at the Belize issued a proclamation announcing that the Queen had constituted those islands a distinct colony, by the name of the Bay of Islands.

On the 6th of January, 1853, the President of the United States sent to the Senate an answer to a previous call for information, and that answer contained the notes between the late Secretary of State and the late British Minister, declaring the construction of the convention which I have mentioned.

The honorable Senator from Michigan thereupon said that paper disclosed a very extraordinary fact, to wit: that while on its face, and as was understood by the Senate, the convention included British Honduras and its dependencies, it was without the knowledge or consent of the Senate explained by the negotiators at the ratification to exclude them; and that thus, in derogation of the rights of the Senate, the construction of the treaty was changed in a vital point; that in this transaction the Executive Department of General Taylor's administration had committed a great error, unprecedented in diplomacy. And he protested that neither the Senate nor himself, in approving, understood the convention as it was thus shown to have been understood by the negotiators in ratifying it, and that if it had been so understood by the Senate it would not have received a single vote; and in this protest he included the honorable Senator from Alabama, [Mr. KING,] who at the time was chairman of the Committee on Foreign Relations; and he alleged that that gentleman had told him that he had supposed until that day that the project of accepting the Queen of England's qualification of the construction of the treaty had been abandoned, and that the convention stood without such qualification on its original provisions.

The honorable Senator from Louisiana [Mr. DOWNS] said that he thought the whole object of the convention was to get the British out of Central America, and that it was only on assurances given by Mr. Clayton himself that this was the effect of the convention, that he and others, so far as he knew, voted for it.

The honorable Senator from Ohio [Mr. CHASE] quoted from a geographical work the following description of Central America, and affirmed that he and the Senate understood that all the region thus described was included in the convention, viz:

"Central America is the long and comparatively narrow region between latitude 7 deg. and 22 deg. north, and longitude 78 deg. and 94 deg. west, connecting the continents of North and South America, and comprising, besides the *Central American Confederation*, Yucatan, parts of Mexico and New Granada, Poyais, the Mosquito coast, and British Honduras."

The honorable Senator from California [Mr. WELLER] declared that he was astonished to hear the Senator from Louisiana say that he was surprised at anything, however stupid, that might be done by the late Secretary of State, Mr. Clayton, and that he [Mr. WELLER] had never known Mr. Clayton to have any connection with any public affair in which he did not show himself excessively stupid, to say the least.

Mr. President, I shall endeavor to show that these censures are groundless, and unintentionally unjust.

First. Granting, but only for the sake of argument, that the facts stated are true, I shall show that *the transaction is not unprecedented in diplomacy*. The 9th article of the treaty of Guadalupe Hidalgo, as signed by the negotiators, was struck out by the Senate, and another was substituted in its stead. The Congress of Mexico refused to ratify it, because it had thus been changed, as they said, in a vital part. The Secretary of State, Mr. Buchanan, by direction of the President, Mr. Polk, without the consent or knowledge of the Senate, signed and delivered a protocol, declaring that the suppression and substitution was not understood by the United States to diminish what had been stipulated before, and thereupon the treaty was ratified, and the ratifications were exchanged. I do not say here that that transaction was wrong, or that, whether wrong or right, it justified Mr. Clayton. All I do say is, that even if Mr. Clayton's misconduct has been such as is alleged, it is, nevertheless, not unprecedented in diplomacy.

Secondly. I shall attempt to show that the memories of the complaining Senators are at fault, and that neither the whole nor the chief object of the convention was as they now suppose they then understood, *to get the British out of Central America*. The preamble declares its object to be to "set forth and fix the views and intentions of the two nations with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific oceans, by way of the river San Juan de Nicaragua, and either or both the lakes of Nicaragua or Managua." This preamble, and the quotations from the convention before made, show that the United States had a very different object from that described by the Senators, unless we are to suppose that the United States had really in view a partial, narrow, and selfish object; while they held out to the other contracting party and to the world that they had in view a different, broad, comprehensive, and beneficent one; which of course is not to be admitted.

Thirdly. I think the memories of the honorable Senators are at fault again, and that *they did not, when approving the convention, understand it to include all Central America as they have now described Central America*. The region about the isthmus which divides North and South America is but thinly settled by Europeans and their descendants, and therefore, as yet, very imperfectly known in Europe and in the United States, and there is an ever-recurring confusion of names, as is apt to happen in such cases. The name Central America, employed in the convention, has a double sense, a geographical one and a political one, and these are widely different. America is divided, geographically, into North America, South America, and Central America. Central America, *geographically*, is Middle America, viz: that part of this great continent which lies between and connects North America and South America together. The name is applied in this sense in the description quoted by the Senator from Ohio, and so geographical Central America does include not only Honduras and the British coast, with the five Central American States, but also the departments of Darien and Panama, and Paraguay, in New Granada, and the whole or parts of six of the States of the United States of Mexico.

Other geographers apply the name still more broadly, and embrace all the regions extending from latitude 7° north to latitude 26° north

Mr. CHASE. If the Senator will allow me, I will state that I read from a work of authority. That English work describes Central America as lying between two parallels of latitude. It did not assert that all the region between those two parallels belonged to Central America, but named specifically those districts or territories which constituted the country so designated. And I said that we had a right to believe, when the treaty was before us, that the term "Central America," used as it is used, included all over which either of the contracting parties claimed, or might claim, any jurisdiction. Of course I did not assert, nor mean to assert, that Great Britain intended simply to exclude herself from that portion of country over which she had no jurisdiction, and I am sure the Senator from New York does not mean to represent me as making such a statement.

Mr. SEWARD. I will read from the printed speech of the honorable Senator from Ohio, to show the use he made of the authority which he quoted. The Senate will then judge whether he has corrected me or himself. That Senator said:

"Now, for the purpose of showing what the British authorities at that time conceived to be included within the limits of Central America, I wish to read an extract from a work which I have before me. It is Johnson's Gazetteer, published in London in 1851, a work of very high authority. Its description of Central America is in these words:

"CENTRAL AMERICA is the long and comparatively narrow region between latitude 7 deg. and 22 deg. north, and longitude 78 deg. and 94 deg. west, connecting the continents of North and South America, and comprising, besides the Central American Confederation, Yucatan, parts of Mexico and New Granada, Poyais, the Mosquito coast, and British Honduras."

"That is the description which an eminent British authority furnishes to us of Central America. That is the description which we had a right to believe was intended by this treaty when it was presented to the Senate."

This is geographical Central America. But it is laid down on other maps and described by other geographers as extending from the 7th to the 26th parallel of north latitude. That would embrace, not only the Isthmus of Tehuantepec, but also the capital of Mexico, the States of Coahuila and Tamaulipas, and even a part of Texas, in our own Republic.

On the other hand, the name of Central America has a *political* sense, and means five States on the Isthmus lying between New Granada on the south, and Mexico on the north, which, under the names of Costa Rica, Nicaragua, Salvador, Guatemala, and Honduras, confederated themselves when they became independent of Spain, and established a republic called the Federal Republic of Central America. In the convulsions of that region, that union has been dissolved; but the name acquired by it still hangs around those States, and they, and they alone, are the States described, politically, in books, geographies, and otherwise, as the States of Central America.

Now, did the convention use the name of Central America in its geographical sense, or did they use it in its political sense? Certainly in its *political* sense.

For, 1st. If they used it in its geographical sense, then it may as well be insisted that the convention embraces all between 7° and 26° of north latitude, as that it embraces all between 7° and 22° of north latitude, and this would be to make it embrace a part of the United States, which would be absurd.

2d. The geographical Central America, whether broad or narrow,

embraces the regions which contain the *three* celebrated passes from ocean to ocean, viz: Panama, Nicaragua, and Tehuantepec; and if that be the sense in which the name Central America is used in the convention, then the stipulations are already made between the two nations for the construction and maintenance of canals or railway passages across all these routes. But the convention, on the contrary, expressly confines its care to the Nicaragua route, and postpones to a future day the making of stipulations in regard to the two other routes of Panama and Tehuantepec.

3d. The term "Central American States," in the sixth article, is equivalent to and illustrates the meaning of the term Central America in the first article.

4th. The convention, in describing the territory which is to be made neutral, names two of the Central American States in the vicinity of the canal, Nicaragua and Costa Rica, and then adds, or *any* part of Central America—thus clearly implying that it was political Central America that was intended.

It was, then, not geographical, but *political Central America* that was included in the convention, and so the honorable Senators must have understood it when they approved it, unless we suppose them to have been so indifferently informed that their opinions were of no value, which is not to be supposed for a moment.

4th. I shall endeavor to convince those honorable Senators that their memories are still further at fault, and that, *when they approved the convention, they did not understand it to include British Honduras or the Belize as its dependencies, which are the same.*

Like "Central America," the name Honduras also has a geographical sense and a political sense. *Geographical Honduras* is all Honduras from the borders of Guatemala to the Caribbean Sea, and includes Spanish Honduras and British Honduras—just as the name Virginia long stood for the whole Atlantic border from Carolina to Canada; but *political Honduras* is the ancient province or intendency of Spanish Honduras, as it was when it separated from Spain, and became the State of Honduras, and entered that Federal Republic of Central America; and as it came out of that Federal Republic on its dissolution, and as it has remained hitherto, and is now the *State of Honduras*; and that State, in every book or geography, and on every map, in every atlas, is divided and separated from British Honduras just as plainly and as broadly as Kentucky is divided from Virginia, or Alabama from Georgia, while British Honduras is in every such book and atlas marked and designated with the islands before mentioned as a British colony; sometimes by the name of British Honduras, and sometimes by the name of the Belize.

I know, indeed, that Spain to the last insisted that Great Britain had only a partial and limited right of occupancy, but I know also that Spain still claims all Central America and all Mexico, and all South America, and even Texas. I know that the State of Honduras set up the pretensions of Spain, and still insists upon them. I do not say that they are not just. I shall be glad if they prove so; but I know also that Great Britain equally claims to own British Honduras by absolute right, and that although she has two or three times been occasionally dispossessed in the varying fortunes of war, she has so claimed it since 1667, and has held it undisturbed since 1783, the period of our own acknowledg-

ed national independence. The Belize is a British town of two thousand five hundred people, and with its adjacent territory has been a colony near two hundred years, governed by British authority and occupied by a British garrison. It is ecclesiastically connected with the British diocese of Jamaica, and from 1847 to 1850 the United States maintained a consul there, who, with their consent, received his *exequatur* from the Court of St. James. In short, practically, the Belize is as much a British town, and British Honduras as much a British colony; to the knowledge of the whole world, as Quebec and Canada.

Now, who supposes that Great Britain intended to renounce that town, post, and colony, under the vague and equivocal term of "any part of Central America?" No one! Who supposes that the United States stipulated for such a renunciation in terms so vague and uncertain? No one! It is not so that Britain resigns or the United States take dominion. The terms "any part of Central America," then, did not include British Honduras, and so the honorable Senators must have understood, if they knew the political condition of British Honduras as I have described it. That condition was known here; for on the 10th of May, 1849, a Senator stated in debate here, that *four companies of British troops* had marched from the Belize into Yucatan, and that this was the act of the *colonial* authorities of Great Britain at the Belize; and he who made that statement was no other than the honorable Senator from Michigan, [Mr. Cass.]

5th. But, waiving for argument's sake all the points thus far made, I shall next show that the Senators were not *ignorant of the construction officially given by Mr. Clayton to the convention until the 6th of January, instant, when they proclaimed it as a disclosure then obtained through the President's communication.*

The ratification was made on the 4th of July, 1850. On the 14th of that month the President transmitted to Congress a communication, which contained these words:

"A copy of the treaty concluded between Great Britain and the United States in regard to Central America is herewith submitted. Its engagements apply to all the five States which formerly composed the Republic of Central America and their dependencies, of which the Island of Tigre was a part. It does not recognise, affirm, or deny, the title of the British settlement at Belize, which is by the coast more than five hundred miles from the proposed canal at Nicaragua. *The question of the British title to this district of country, commonly called British Honduras, and the small islands adjacent to it, claimed as its dependencies, stands precisely as it stood before the treaty. No act of the late President's administration has in any manner committed this Government to the British title in that territory, or any part of it.*"

This paper gave to the Senators, just two years, five months, and twenty-two days ago, the same information which surprises, shocks, and alarms them now.

But, Mr. President, even this communication was only a reiteration of the same information before given; for on the 8th day of July, 1850, the following official exposition appeared in the National Intelligencer, together with the convention then just officially promulgated.

"The leading object of the treaty appears to be the establishment of a ship canal across the Isthmus which connects North with South America, under the Protectorate not only of Great Britain and the United States, but of all other nations which desire the right of passage through it from ocean to ocean on the same equal terms.

"In reference to political advantages connected with that treaty, it may be remarked that all the States of Central America, comprehending the immense extent of country from the Belize, commonly called the Bay of Honduras, down to the

northern boundary of New Granada, is made *neutral territory*. No Government entering into this treaty can occupy, colonize, fortify, or assume or exercise any dominion over any part of the Mosquito coast, or any part of Central America, from the boundaries of the Bay of Honduras and Mexico on the north, to those of New Granada on the south. The British title to the Belize the treaty does not in any manner recognise; *nor does it deny it, OR MEDDLE WITH IT. That settlement remains, in that particular, AS IT STOOD PREVIOUSLY TO THE TREATY.*"

Senators who accuse Secretaries of stupidity, or suppression and fraud, cannot be allowed to plead ignorance of official expositions in the official journals.

Sixthly, and lastly, I shall attempt to convince the Senators that they, and the Senate, *did understand that the convention did not include British Honduras when they approved it.*

Mr. King, of Alabama, was chairman of the Committee on Foreign Relations, and the proper medium of communication between the Senate and the Secretary of State. The Senator from Michigan tells us that Mr. King has stated to him that "after the *quasi* ratification came from England, on the 29th of June, he had an interview with Mr. Clayton, who desired to know whether the treaty ought to be sent back to the Senate for its action, on that conditional ratification." The only reason for sending it back to the Senate was, that the Senate might have not understood the convention as not including British Honduras, and so might object to the ratification of it, as thus explained by the negotiators. The correspondence between Mr. Clayton and Mr. King tells the result:

JULY 4, 1850.

DEAR SIR: I am this morning writing to Sir H. L. Bulwer, and while about to decline altering the treaty at the time of exchanging ratifications, I wish to leave no room for a charge of duplicity against our Government, such as that we now pretend that Central America in the treaty includes British Honduras.

I shall therefore say to him, in effect, that such construction was not in the contemplation of the negotiators or the Senate at the time of confirmation. May I have your permission to add that the true understanding was explained by you as chairman of Foreign Relations, to the Senate, before the vote was taken on the treaty? I think it due to frankness on our part. Very truly yours,

To Hon. W. R. KING, U. S. Senate.

JOHN M. CLAYTON.

JULY 4, 1850.

MY DEAR SIR: *The Senate perfectly understood that the treaty did not include British Honduras.* Frankness becomes our Government; but you should be careful not to use any expression which would seem to recognise the right of England to any portion of Honduras. Faithfully, your obedient servant,

To Hon. JOHN M. CLAYTON, Secretary of State.

W. R. KING.

So the proper organ of the Senate reported that they perfectly understood that the convention did not include British Honduras. The accusing Senators will not impeach the chairman; and if they do, I shall not go with them. I respect and honor that distinguished man—nay, sir, I love him. I have received injuries, many of them, here. The memory of them died in the hour in which they were committed. But I have received kindnesses, benefits too, and many of these were received at the hands of William R. King. Not one of these shall perish in my memory, until I give an account of them to his Creator and mine. And now, since those honorable Senators have so broadly assumed to speak for us all, they will not now deny that they did not know what we all "perfectly understood."

Just what Mr. King advised was done by the Secretary. He took effectual care not to use any expression which should seem to recognise



the *right of* England to the portion of Honduras—that is, to British Honduras—which she possessed. That right remains just as it was before. Good or bad, it is not made worse or better by the treaty. As to the Bay of Islands, if it was in fact a dependency of British Honduras on the 4th of July, 1850, then the formation of a colony there is not a violation of the convention. If it was not then in fact a dependency, then that transaction is a violation of the treaty. But in either case it has nothing to do with the present question.

The Senator from Louisiana, [Mr. Downs,] in the very wantonness of censure, has supposed that not only the Senate, but the late President, General Taylor, was kept in ignorance of the conditions of ratification, and this upon the ground merely that General Taylor sickened on the 4th, and died on the 9th of July. But the Committee on Foreign Relations now appear to have known those conditions on the 29th of June, and the President may be presumed to have been intrusted by the Secretary with a fact that was officially communicated to the Senate. Whatever else might have been the errors or misfortunes of that Administration, want of mutual confidence between the Secretary of State and his distinguished Chief was not one of them. They stood together firmly, undivided, and inseparable to the last. Storms of factions, from within their own party and from without, beset them; and combinations and coalitions, in and out of Congress, assailed them with a degree of violence that no other Administration has ever encountered. But they never yielded and never faltered for an hour. They went on firmly, and firmly united together in their great work of consolidating the then newly extended Republic upon the foundations of universal liberty, and establishing its continental power on the foundations of commercial interests and republican systems. The Administration which they conducted was beaten down not by human hands, nor by human words, nor by human votes; but it went down only under a providential visitation, that, if it had happened on the field of Monterey or at Buena Vista, would have either forever lost, or long postponed, the extension of our borders to the shores of the Pacific ocean. Those who have profited by political changes consequent on that sad event may listen unmoved to the censures which for two years past have howled, and still are howling, equally around the Secretary of State in his retirement, and over the veteran and war-exhausted President in his grave. Let me, on the other hand, who had some humble portion of their confidence, and knew their fidelity to each other and to their country, perform, though it may be alone, the duty of vindicating them against the clamors of prejudice and error.

And let me say to the Senator from Louisiana, and to the Senator from Ohio, and even to the Senator from Michigan, that, long as their careers respectively may be protracted, even, as I hope they may, to the ends of natural lives, in ripened age, and diligent and devoted as I know they are, yet that it will be happy for them, and for us all, if even then they shall have established claims upon the affections of their country, and the gratitude of mankind, equal to those which were perfected in that Administration—broken off in its seventeenth month, but wisely conducted for that short period by John M. Clayton, the eminent statesman of Delaware, and presided over by Zachary Taylor, the hero who indicated and opened the way of the American armies to the golden gates of Mexico.